

This Office Action is in response to Applicant's amendment filed 23 December 2008 and an interview with the Applicants' Representative, Jeremy Monaldo on March 10, 2009. Applicants' amendment amended Claims 1, 20, and 35 (Claim 40 was mistakenly listed on page 2 of the Amendments as amended), and added new Claims 71-74, and cancelled Claims 2-5, 7, 8, 21-34, 36-39, and 41, and 42 are cancelled. Claims 72 and 73 are cancelled and Claims 1, 20, and 35 are amended herein, and are currently pending and allowed below.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeremy Monaldo, Applicants' Representative on 13 March 2009.

The application has been amended as follows:

1. (Currently Amended) A computer system comprising:
a database for maintaining data associated with a public sector organization that includes at least two outcome measures and at least one cost-effectiveness measure; and
a computer coupled to the database, wherein the computer includes a processor and a memory, the processor and memory configured to:
access, from electronic storage, a public sector value model that corresponds to a public sector organization and that defines:
at least two outcome measures that each correspond to a non-monetary social benefit achieved by the public sector organization,
weightings that correspond to each of the outcome measures and that define a relative weight given to the corresponding outcome measure, the weightings reflecting relative significance of the corresponding non-monetary social benefit to public value provided by the public sector organization, and

at least one cost-effectiveness measure that relates to costs incurred by the public sector organization in achieving the outcomes and that includes reduction of variable cost, reduction of fixed cost, and increase in asset efficiency;

obtain, from public data sources, performance measurements corresponding to the at least two outcome measures, the performance measurements being indicative of the public sector organization's level of achievement of the non-monetary social benefits corresponding to the at least two outcome measures;

obtain cost measurements corresponding to the at least one cost-effectiveness measure, the cost measurements being indicative of the public sector organization's variable costs, fixed costs, and available assets;

compute, using the public sector value model, a performance value by removing impact of exogenous factors on the performance measurements corresponding to the at least two outcome measures and applying the corresponding weightings to the performance measurements, the exogenous factors being factors that affect the performance measurements corresponding to the at least two outcome measures, but are not the responsibility of the public sector organization;

compute, using the public sector value model, a cost-effectiveness value as a ratio of the computed performance value and an operating cost of the public sector organization determined using the obtained cost measurements;

determine a relative public performance measure of the public sector organization based on the computed performance value, an average performance value relevant to the public sector organization, the computed cost-effectiveness value, and an average cost-effectiveness value relevant to the public sector organization;

generate, based on the determined relative public performance measure of the public sector organization, a public sector value matrix that graphically reflects the computed performance value for the public sector organization relative to the average performance value and that graphically reflects the computed cost-effectiveness value for the public sector organization relative to the average cost-effectiveness value;

compare the relative public performance measure of the public sector organization with performance trends; and

based on the comparison of the relative public performance measure of the public sector organization with performance trends, identify a recommendation on how the public sector organization can improve the relative public performance measure.

wherein removing the impact of exogenous factors on the performance measurements corresponding to the at least two outcome measures comprises developing a final performance score for each of the at least two outcome measures that takes into account an understanding of a relationship between key socioeconomic factors and the non-monetary social benefits that correspond to the at least two outcome measures.

2 to 5. (Cancelled)

6. (Previously Presented) The computer system of claim 1 wherein the processor is configured to compute, using the public sector value model, a cost-effectiveness value by computing a cost-effectiveness value as a ratio of the computed performance value over a combination of annual expenditure and capital charge.

7. (Cancelled)

8. (Cancelled)

9. (Original) The computer system of claim 1 wherein the public sector organization includes at least one of: public health, revenue service, educational, police, courts, probation, fire, public transport, prisons, customs, immigration, postal services, regulatory bodies, public housing, defense, social security, customs, and public welfare.

10. (Original) The computer system of claim 9 wherein, in the police organization, an outcome measure includes at least one of: public satisfaction with the police organization, reduction of crime, solving a crimes, and public served; and
cost-effectiveness measure includes at least one of: reduction of variable cost, reduction of fixed cost, increase in asset efficiency.

11. (Original) The computer system of claim 9 wherein, in the public health organization, an outcome measure includes at least one of: improved health care, reduced errors in prescriptions; and
cost-effectiveness measure includes at least one of: reduction of variable cost, reduction of fixed cost, increase in asset efficiency.

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12. (Original) The computer system of claim 9 wherein, in the revenue service organization, an outcome measure includes at least one of: improved tax compliance, citizen satisfaction; and cost-effectiveness measure includes at least one of: reduction of variable cost, reduction of fixed cost, increase in asset efficiency.

13. (Original) The computer system of claim 1 wherein the processor is programmed to provide a recommendation to the public sector organization that includes at least one proposed solution to improve the relative performance measure of the public sector organization.

14. (Original) The computer system of claim 1 wherein the processor is programmed to provide a recommendation to the public sector organization that includes at least one consulting service to improve the relative performance measure of the public sector organization.

15. (Original) The computer system of claim 1 wherein the processor is programmed to determine a relative performance measure includes evaluating the performance of the public sector organization as a function of time.

16. (Original) The computer system of claim 15 wherein the processor is programmed to derive a proposed solution for improving the relative performance measure on the basis of evaluating the performance of the public sector organization as a function of time.

17. (Original) The computer system of claim 1 wherein determining a relative performance measure includes evaluating the performance of the public sector organization by comparing one public sector organization having one relative performance measure to another public sector organization having another relative performance measure.

18. (Original) The computer system of claim 17 wherein the processor is programmed to derive a proposed solution for improving a relative performance measure on the basis of comparing one public sector organization having one relative performance measure to another public sector organization having another relative performance measure.

19. (Original) The computer system of claim 1, wherein the processor is programmed to use the relative performance measure to perform a correlation analysis between the relative performance measure and a particular outcome measure or a particular cost-effectiveness measure.

20. (Currently Amended) A computer program product, tangibly embodied in a computer-readable medium ~~an information carrier~~, the computer program product being operable to cause a data processing apparatus to:

access, from electronic storage, a public sector value model that corresponds to a public sector organization and that defines:

at least two outcome measures that each correspond to a non-monetary social benefit achieved by the public sector organization,

weightings that correspond to each of the outcome measures and that define a relative weight given to the corresponding outcome measure, the weightings reflecting relative significance of the corresponding non-monetary social benefit to public value provided by the public sector organization, and

at least one cost-effectiveness measure that relates to costs incurred by the public sector organization in achieving the outcomes and that includes reduction of variable cost, reduction of fixed cost, and increase in asset efficiency;

obtain, from public data sources, performance measurements corresponding to the at least two outcome measures, the performance measurements being indicative of the public sector organization's level of achievement of the non-monetary social benefits corresponding to the at least two outcome measures;

obtain cost measurements corresponding to the at least one cost-effectiveness measure, the cost measurements being indicative of the public sector organization's variable costs, fixed costs, and available assets;

compute, using the public sector value model, a performance value by removing impact of exogenous factors on the performance measurements corresponding to the at least two outcome measures and applying the corresponding weightings to the performance measurements, the exogenous factors being factors that affect the performance measurements corresponding to the at least two outcome measures, but are not the responsibility of the public sector organization;

compute, using the public sector value model, a cost-effectiveness value as a ratio of the computed performance value and an operating cost of the public sector organization determined using the obtained cost measurements;

determine a relative public performance measure of the public sector organization based on the computed performance value, an average performance value relevant to the public sector organization, the computed cost-effectiveness value, and an average cost-effectiveness value relevant to the public sector organization;

generate, based on the determined relative public performance measure of the public sector organization, a public sector value matrix that graphically reflects the computed performance value for the public sector organization relative to the average performance value and that graphically reflects the computed cost-effectiveness value for the public sector organization relative to the average cost-effectiveness value;

compare the relative public performance measure of the public sector organization with performance trends; and

based on the comparison of the relative public performance measure of the public sector organization with performance trends, identify a recommendation on how the public sector organization can improve the relative public performance measure,

wherein removing the impact of exogenous factors on the performance measurements corresponding to the at least two outcome measures comprises developing a final performance score for each of the at least two outcome measures that takes into account an understanding of a relationship between key socioeconomic factors and the non-monetary social benefits that correspond to the at least two outcome measures.

21 to 34. (Cancelled)

35. (Currently Amended) A method comprising:
accessing, from electronic storage, a public sector value model that corresponds to a public sector organization and that defines:

at least two outcome measures that each correspond to a non-monetary social benefit achieved by the public sector organization,

weightings that correspond to each of the outcome measures and that define a relative weight given to the corresponding outcome measure, the weightings reflecting relative significance of the corresponding non-monetary social benefit to public value provided by the public sector organization, and

at least one cost-effectiveness measure that relates to costs incurred by the public sector organization in achieving the outcomes and that includes reduction of variable cost, reduction of fixed cost, and increase in asset efficiency;

obtaining, using a computer processor and from public data sources, performance measurements corresponding to the at least two outcome measures, the performance measurements being indicative of the public sector organization's level of achievement of the non-monetary social benefits corresponding to the at least two outcome measures;

obtaining, using the computer processor, cost measurements corresponding to the at least one cost-effectiveness measure, the cost measurements being indicative of the public sector organization's variable costs, fixed costs, and available assets;

computing, using the computer processor and applying the public sector value model, a performance value by removing impact of exogenous factors on the performance measurements corresponding to the at least two outcome measures and applying the corresponding weightings to the performance measurements, the exogenous factors being factors that affect the performance measurements corresponding to the at least two outcome measures, but are not the responsibility of the public sector organization;

computing, using the computer processor and applying the public sector value model, a cost-effectiveness value as a ratio of the computed performance value and an operating cost of the public sector organization determined using the obtained cost measurements;

determining, using the computer processor, a relative public performance measure of the public sector organization based on the computed performance value, an average performance value relevant to the public sector organization, the computed cost-effectiveness value, and an average cost-effectiveness value relevant to the public sector organization;

generating, using the computer processor and based on the determined relative public performance measure of the public sector organization, a public sector value matrix that graphically reflects the computed performance value for the public sector organization relative to the average performance value and that graphically reflects the computed cost-effectiveness value for the public sector organization relative to the average cost-effectiveness value;

comparing, using the computer processor, the relative public performance measure of the public sector organization with performance trends; and

based on the comparison of the relative public performance measure of the public sector organization with performance trends, identifying, using the computer processor, a recommendation on how the public sector organization can improve the relative public performance measure,

wherein removing the impact of exogenous factors on the performance measurements corresponding to the at least two outcome measures comprises developing a final performance score for each of the at least two outcome measures that takes into account an understanding of a relationship between key socioeconomic factors and the non-monetary social benefits that correspond to the at least two outcome measures.

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40. (Previously Presented) The method of claim 35 wherein computing, using the public sector value model, a cost-effectiveness value comprises computing a cost-effectiveness value as a ratio of the computed performance value over a combination of annual expenditure and capital charge.

41. (Cancelled)

42. (Cancelled)

43. (Original) The method of claim 35 wherein the public sector organization includes at least one of: public health, revenue service, educational, police, courts, probation, fire, public transport, prisons, customs, immigration, postal services, regulatory bodies, public housing, defense, social security, customs, and public welfare.

44. (Original) The method of claim 43 wherein, in the police organization, an outcome measure includes at least one of: public satisfaction with the police organization, reduction of crime, solving a crimes, and public served; and
cost-effectiveness measure includes at least one of: reduction of variable cost, reduction of fixed cost, increase in asset efficiency.

45. (Original) The method of claim 43 wherein, in the public health organization, an outcome measure includes at least one of: improved health care, reduced errors in prescriptions; and
cost-effectiveness measure includes at least one of: reduction of variable cost, reduction of fixed cost, increase in asset efficiency.

46. (Previously Presented) The method of claim 43 wherein, in the revenue service organization, an outcome measure includes at least one of: improved tax compliance, citizen satisfaction; and
cost-effectiveness measure includes at least one of: reduction of variable cost, reduction of fixed cost, increase in asset efficiency.

47. (Original) The method of claim 35 further comprising providing a recommendation to the public sector organization that includes at least one proposed solution to improve the relative performance measure of the public sector organization.

48. (Original) The method of claim 35 further comprising providing a recommendation to the public sector organization that includes at least one consulting service to improve the relative performance measure of the public sector organization.

49. (Original) The method of claim 35 wherein determining a relative performance measure includes evaluating the performance of the public sector organization as a function of time.

50. (Original) The method of claim 49 further comprising deriving a proposed solution for improving the relative performance measure on the basis of evaluating the performance of the public sector organization as a function of time.

51. (Original) The method of claim 35 wherein determining a relative performance measure includes evaluating the performance of the public sector organization by comparing one public sector organization having one relative performance measure to another public sector organization having another relative performance measure.

52. (Original) The method of claim 51 further comprising deriving a proposed solution for improving a relative performance measure on the basis of comparing one public sector organization having one relative performance measure to another public sector organization having another relative performance measure.

53. (Original) The method of claim 52, further comprising using the relative performance measure to perform a correlation analysis between the relative performance measure and a particular outcome measure or a particular cost-effectiveness measure.

54. (Previously Presented) The method of claim 35 further comprising:
 accessing past performance values for the public sector organization, each past performance value corresponding to a particular period of time in the past;
 computing an average performance value for the public sector organization based on the past performance values;
 accessing past cost-effectiveness values for the public sector organization, each past cost-effectiveness value corresponding to a particular period of time in the past;
 computing an average cost-effectiveness value for the public sector organization based on the past cost-effectiveness values,

wherein determining a relative public performance measure of the public sector organization comprises determining a relative public performance measure of the public sector organization based on the computed performance value, the computed average performance value for the public sector organization, the computed cost-effectiveness value, and the computed average cost-effectiveness value for the public sector organization.

55. (Previously Presented) The method of claim 54 further comprising:

displaying a graphical representation of the determined relative public performance measure of the public sector organization with respect to the computed average performance value for the public sector organization and the computed average cost-effectiveness value for the public sector organization.

56. (Previously Presented) The method of claim 55 wherein displaying a graphical representation of the determined relative public performance measure of the public sector organization with respect to the computed average performance value for the public sector organization and the computed average cost-effectiveness value for the public sector organization comprises:

displaying an axis with the computed average performance value for the public sector organization and the computed average cost-effectiveness value for the public sector organization being an origin of the axis; and

displaying, with respect to the axis, an indication of the determined relative public performance measure of the public sector organization that reflects relative public performance of the public sector organization with respect to the computed average performance value for the public sector organization and the computed average cost-effectiveness value for the public sector organization.

57. (Previously Presented) The method of claim 56 further comprising:

displaying, with respect to the axis, indications of past relative public performance measures of the public sector organization that each reflect relative public performance of the public sector organization with respect to the computed average performance value for the public sector organization and the computed average cost-effectiveness value for the public sector organization for a particular period of time in the past.

58. (Previously Presented) The method of claim 35 further comprising:

accessing performance values for other public sector organizations, each performance value corresponding to a particular public sector organization that is different than the public sector organization;

computing an average performance value for a public sector industry based on the accessed performance values;

accessing cost-effectiveness values for the other public sector organizations, each cost-effectiveness value corresponding to a particular public sector organization that is different than the public sector organization;

computing an average cost-effectiveness value for the public sector industry based on the accessed cost-effectiveness values,

wherein determining a relative public performance measure of the public sector organization comprises determining a relative public performance measure of the public sector organization based on the computed performance value, the computed average performance value for the public sector industry, the computed cost-effectiveness value, and the computed average cost-effectiveness value for the public sector industry.

59. (Previously Presented) The method of claim 58 further comprising:

displaying a graphical representation of the determined relative public performance measure of the public sector organization with respect to the computed average performance value for the public sector industry and the computed average cost-effectiveness value for the public sector industry.

60. (Previously Presented) The method of claim 59 wherein displaying a graphical representation of the determined relative public performance measure of the public sector organization with respect to the computed average performance value for the public sector industry and the computed average cost-effectiveness value for the public sector industry comprises:

displaying an axis with the computed average performance value for the public sector industry and the computed average cost-effectiveness value for the public sector industry being an origin of the axis; and

displaying, with respect to the axis, an indication of the determined relative public performance measure of the public sector organization that reflects relative public performance of the public sector organization with respect to the computed average performance value for the public sector industry and the computed average cost-effectiveness value for the public sector industry.

61. (Previously Presented) The method of claim 60 further comprising:

displaying, with respect to the axis, indications of relative public performance measures of the other public sector organizations that each reflect relative public performance of a particular public sector organization that is different than the public sector organization with respect to the computed average performance value for the public sector industry and the computed average cost-effectiveness value for the public sector industry.

62. (Previously Presented) The method of claim 35 wherein:
wherein accessing, from electronic storage, a public sector value model comprises accessing a public sector value model that defines:
a first outcome measure for the public sector organization,
a first weighting value associated with the first outcome measure, the first weighting value corresponding to a relative weight of the first outcome measure in the public sector value model,
a second outcome measure for the public sector organization, the second outcome measure being different than the first outcome measure, and
a second weighting value corresponding to the second outcome measure, the second weighting value being different than the first weighting and corresponding to a relative weight of the second outcome measure in the public sector value model;
wherein obtaining measurements corresponding to the at least two outcome measures comprises:
receiving, for the public sector organization, a first measurement corresponding to the first outcome measure, and
receiving, for the public sector organization, a second measurement corresponding to the second outcome measure; and
wherein computing, using the public sector value model, a performance value comprises:
applying the first weighting value to the first measurement to achieve a first result,
applying the second weighting value to the second measurement to achieve a second result, and
calculating a performance value for the public sector organization based on the first result and the second result.

63. (Previously Presented) The method of claim 35:
wherein accessing, from electronic storage, a public sector value model that corresponds to a public sector organization and that defines at least two outcome measures that correspond to outcomes achieved by the public sector organization comprises accessing a public sector value model that defines a first outcome measure, a first weighting value for the first outcome measure, at least two sub-outcome measures that define the first outcome measure, and weightings that correspond to each of the sub-outcome measures and that define a relative weight given to the corresponding sub-outcome measure in computing a value for the first outcome measure,
wherein obtaining measurements corresponding to the at least two outcome measures comprises obtaining measurements for each of the sub-outcome measures;

wherein computing, using the public sector value model, a performance value comprises:

 computing a first value for the first outcome measure based on the measurements for each of the sub-outcome measures and the weightings that correspond to each of the sub-outcome measures, and

 computing a performance value based on the computed first value for the first outcome measure and at least one other value for another outcome measure that is different than the first outcome measure and that is defined by the public sector value model.

64. (Previously Presented) The method of claim 35 wherein computing, using the public sector value model, a cost-effectiveness value comprises computing a cost-effectiveness value by dividing a first value that represents a total of beneficial outcomes achieved by the public sector organization by a second value computed as a sum of annual expenditure of the public sector organization minus capital expenditure of the public sector organization and annual capital charge of the public sector organization.

65. (Previously Presented) The method of claim 35 wherein:

 obtaining measurements corresponding to the at least one cost-effectiveness measure comprises obtaining a measurement related to variable costs of the public sector organization in achieving the outcomes; and

 computing, using the public sector value model, a cost-effectiveness value comprises computing, using the public sector value model, a cost-effectiveness value that reflects variable costs of the public sector organization in achieving the outcomes based on the measurement related to variable costs of the public sector organization in achieving the outcomes.

66. (Previously Presented) The method of claim 35 wherein:

 obtaining measurements corresponding to the at least one cost-effectiveness measure comprises obtaining a measurement related to fixed costs of the public sector organization in achieving the outcomes; and

 computing, using the public sector value model, a cost-effectiveness value comprises computing, using the public sector value model, a cost-effectiveness value that reflects fixed costs of the public sector organization in achieving the outcomes based on the measurement related to fixed costs of the public sector organization in achieving the outcomes.

67. (Previously Presented) The method of claim 35 wherein:
obtaining measurements corresponding to the at least one cost-effectiveness measure comprises obtaining a measurement related to asset efficiency of the public sector organization in achieving the outcomes; and

computing, using the public sector value model, a cost-effectiveness value comprises computing, using the public sector value model, a cost-effectiveness value that reflects asset efficiency of the public sector organization in achieving the outcomes based on the measurement related to asset efficiency of the public sector organization in achieving the outcomes.

68. (Previously Presented) The method of claim 35 further comprising:
automatically, without human intervention, identifying a particular outcome measure that needs improvement for the public sector organization based on obtained measurements associated with the particular outcome measure; and

automatically, without human intervention, displaying the particular outcome measure that needs improvement for the public sector organization.

69. (Previously Presented) The method of claim 68 wherein automatically, without human intervention, identifying a particular outcome measure that needs improvement for the public sector organization comprises:

comparing values for outcome measures for the public sector organization with values for the outcome measures for public sector organizations other than the public sector organization; and

based on the comparison, identifying the particular outcome measure that needs improvement for the public sector organization.

70. (Previously Presented) The method of claim 68 further comprising:
automatically, without human intervention, identifying a service directed to improving the particular outcome measure; and

automatically, without human intervention, displaying the identified service.

71. (Previously Presented) The method of claim 35 further comprising:
determining, using the computer processor, the weightings based on results of public surveying, examination of social and economic cost of the corresponding non-monetary social benefit, and preferences indicated by government industries.

72. (Cancelled)

73. (Cancelled)

74. (Previously Presented) The method of claim 35 wherein removing the impact of exogenous factors on the performance measurements corresponding to the at least two outcome measures comprises grouping public sector organizations together based on common socioeconomic factors and producing a baseline for each group, thereby excluding exogenous factors.

2. The following is an examiner's statement of reasons for allowance:

The present invention is directed to a system and method for generating a public sector value model that corresponds to a public sector organization that includes at least two outcome measures that each correspond to non-monetary social benefits and at least one cost-effectiveness measure that relates to costs incurred by the public sector organization and identifies a recommendation on how the public sector organization can improve its relative public performance measure based on a final performance score from the outcome measures.

The closest prior art, Mechling et al., "Defining and Measuring Success in Canadian Public Sector Electronic Service Directory", Issue Paper Prepared for Discussion and Debate at Lac Carling V, April 24, 2001, Spears et al., "Citizens First 2000", Public Sector Service Delivery Council and The Public Administration of Canada, 2001 fail to teach or suggest either singularly or in combination a system/method for the public sector value model outcome measures based on non-monetary social benefits that are weighted that reflect relative significance to public value provided by a public sector organization comprising:

at least one cost-effectiveness measure that relates to costs incurred by the public sector organization in achieving the outcomes and that includes reduction of variable cost, reduction of fixed cost, and increase in asset efficiency;

obtaining, using a computer processor and from public data sources, performance measurements corresponding to the at least two outcome measures, the performance measurements being indicative of the public sector organization's level of achievement of the non-monetary social benefits corresponding to the at least two outcome measures;

obtaining, using the computer processor, cost measurements corresponding to the at least one cost-effectiveness measure, the cost measurements being indicative of the public sector organization's variable costs, fixed costs, and available assets;

computing, using the computer processor and applying the public sector value model, a performance value by removing impact of exogenous factors on the performance measurements corresponding to the at least two outcome measures and applying the corresponding weightings to the performance measurements, the exogenous factors being factors that affect the performance measurements corresponding to the at least two outcome measures, but are not the responsibility of the public sector organization;

computing, using the computer processor and applying the public sector value model, a cost-effectiveness value as a ratio of the computed performance value and an operating cost of the public sector organization determined using the obtained cost measurements;

determining, using the computer processor, a relative public performance measure of the public sector organization based on the computed performance value, an average performance value relevant to the public sector organization, the computed cost-effectiveness value, and an average cost-effectiveness value relevant to the public sector organization;

generating, using the computer processor and based on the determined relative public performance measure of the public sector organization, a public sector value matrix that graphically reflects the computed performance value for the public sector organization relative to the average performance value and that graphically reflects the computed cost-effectiveness value for the public sector organization relative to the average cost-effectiveness value;

comparing, using the computer processor, the relative public performance measure of the public sector organization with performance trends; and

based on the comparison of the relative public performance measure of the public sector organization with performance trends, identifying, using the computer processor, a recommendation on how the public sector organization can improve the relative public performance measure,

wherein removing the impact of exogenous factors on the performance measurements corresponding to the at least two outcome measures comprises developing a final performance score for each of the at least two outcome measures that takes into account an understanding of a relationship between key socioeconomic factors and the non-monetary social benefits that correspond to the at least two outcome measures,

as recited in independent Claims 1, 20, and 35.

Further, Applicants' arguments, see Remarks, paragraph on page 19 through page 21 with respect to Mechling in view of Spears have been fully considered and are persuasive.

Further, based on Supreme Court precedent, a method/process claim must: (1) be tied to another statutory class of invention (such as particular machine or apparatus) or (2) transform a particular article to a different state or thing. See *In Re Bilski*, 88 U.S.P.Q.2d 1385 (2008); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method/process is not patentable subject matter under § 101. Thus, to qualify as a statutory process under § 101, the claim should positively recite the machine to which it is tied (e.g. by identifying the apparatus that accomplishes the method steps), or positively recite the subject matter that is being transformed (e.g. by identifying the material that is being changed to a different state). Nominal recitations of structure in an otherwise ineligible method fail to make the method a statutory process. See *Benson*, 409 U.S. at 71-72. Thus, incidental physical limitations such as insignificant extra-solution activity and field of use limitations are not sufficient to convert an otherwise ineligible process into a statutory one.

Here, Claim 1 meets the above requirements for patentability under § 101 because it is tied to a computer processor ("a particular apparatus") and meets the above requirements because they are tied to another statutory class of invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on 571-272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner, Art Unit 3624

13 March 2009
Thomas Mansfield

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